

CHAPTER: V TECHNICAL ELIGIBILITY	SECTION: 5 LIVING WITH RELATIVE	COMAR: 07.03.03.07
--------------------------------------------	-------------------------------------------	------------------------------

REQUIREMENTS

- A. A child must live with the relative requesting TCA in the place maintained as their home.
- B. Accept any degree of relationship by blood or marriage between the relative and the child
 1. Relationships by marriage are retained after death or divorce
 2. A prefix such as great or grand may be added one or more times
 3. Step relationships meet the criteria
- C. The relative must:
 1. Maintain a home or be in the process of establishing a home for the child
 2. Assume day-to-day responsibility for the care of the child
 3. Report when the child is no longer in the home because responsibility for the child has shifted to another person
 4. Report when the child is or will be absent for more than a limited period
 - A limited period is 180 days or less, except when a longer period is approved by the Secretary of DHR

Note: Remove the needs of a caretaker relative who fails to report within 5 days of knowing that a child is expected to be absent for more than 180 days. The caretaker relative's needs cannot be restored for 3 months. If the relative is a parent, count the parent's income and assets. The caretaker relative continues to be eligible for Medical Assistance during the 3 penalty months if the TCA case remains open.

LIMITED ABSENCES

- A. A child is eligible when absent from the home for short periods, not to exceed 180 days, if the relative continues to exercise responsibility for the child's care, control, and custody. Short absences include:
 1. Vacation (even if out of state)
 2. Hospital or convalescent care
 3. Special education such as a school for the blind or deaf
 4. Voluntary placement in a residential treatment facility

CHAPTER: V TECHNICAL ELIGIBILITY	SECTION: 5 LIVING WITH RELATIVE	COMAR: 07.03.03.07
--------------------------------------------	-------------------------------------------	------------------------------

- B. The child is eligible if absent for more than 180 days if **all** the following conditions are met:
1. The child is absent for educational or treatment purposes
 2. The DHR Secretary has approved the reason for the absence
 3. The relative retains responsibility for the child
 4. Removing the child from the assistance unit would create a family hardship
- C. The caretaker relative is eligible if absent from the home for short periods while continuing to exercise care, control, and custody of the child. Examples include:
1. Vacation (even if out of state)
 2. Hospital or convalescent care
 3. Vocational training
 4. Inpatient treatment for substance abuse

INSTITUTIONAL STATUS

- A. The child is ineligible if:
1. Placed in Foster Care
 2. Committed to a State Juvenile Institution
 3. Incarcerated in a local, state or federal penal institution
- B. The caretaker relative is ineligible if:
1. Admitted to a psychiatric hospital for an indefinite period
 2. Admitted to a chronic care hospital for an indefinite period
 3. Admitted to a hospital for tuberculosis for an indefinite period
 4. Incarcerated in any penal facility

CHAPTER: V TECHNICAL ELIGIBILITY	SECTION: 5 LIVING WITH RELATIVE	COMAR: 07.03.03.07
--------------------------------------------	-------------------------------------------	------------------------------

JOINT CUSTODY

- A. Allow a child to receive assistance in only one TCA household
- B. With joint custody, apply the following rules:
 - 1. When the child spends the majority of time with one parent, that parent may receive TCA if otherwise eligible
 - 2. When the child spends equal time with both parents:
 - The parents decide who applies for TCA ,or if they cannot agree
 - The parent who applies first claims the child

ADOPTED CHILD

- A. Adoption severs the **legal** relationship between the child and the birth parents
- B. All relatives of the adoptive parents meet the relationship criteria to the adopted child
- C. Biological relatives of the child also meet the relationship requirement if the adoptive parents are in agreement
- D. If the biological parent and adoptive child are living together, they may be in an assistance unit together if the adoptive parents agree to that arrangement

Note: Assign support against the adoptive parents if they are not living with the child, even though Child Support Enforcement may decide not to pursue support in these cases.

Never pursue support from the natural parents who have given the child up for adoption.

CHAPTER: V TECHNICAL ELIGIBILITY	SECTION: 5 LIVING WITH RELATIVE	COMAR: 07.03.03.07
--------------------------------------------	-------------------------------------------	------------------------------

VERIFICATION

- Do not require verification of relationship and living arrangements unless questionable or required by the local department

Note: The “**DHR/FIA 1130 Verification of Rent and Living Arrangements**” verifies:

- Rent – amount charged
- Type of housing – is it federally subsidized?
- Living arrangements – who is in the home?

Housing type is the only required verification statewide for TCA and may be verified with other proofs.

CASE MANAGEMENT TIPS

- A. Tracing multiple generations may require more than one document
- B. Relationship and living arrangements are usually determined through information gathered routinely at the interview
- C. Create a 745 Alert when limited absence is expected to end to reevaluate the situation
- D. Determine when the relative knew the child would be absent for more than 180 days. The penalty is imposed based on failure to report within 5 days of **knowing** the child would be absent for more than a limited period.

EXAMPLES

Example 1. Mary Marks requested TCA for her 6-year-old third cousin, Mike, who has lived with her since being abandoned by his parents.

- Mike and Ms. Marks are related and the degree of relationship is not questionable
- Ms. Marks must assign support from both of Mike’s parents

CHAPTER: V TECHNICAL ELIGIBILITY	SECTION: 5 LIVING WITH RELATIVE	COMAR: 07.03.03.07
--------------------------------------------	-------------------------------------------	------------------------------

Example 2. Betty Carter requested TCA for her 8- year–old godchild Ann, whom she has cared for since birth. Ann is the natural daughter of Ms. Carter’s best friend who died shortly after Ann’s birth.

- Deny TCA because Ms. Carter and Ann are not related.
- Process the Food Stamp and MA applications
- Refer Ms. Carter to legal services or social services if she is considering adoption or foster care

Example 3. Ms. Moore receives TCA for herself, a daughter Sue, and twins, James and Jerry. The twins are eligible to attend the Baraka School in Africa and are expected to be away for 9 months. Ms. Moore cannot keep her apartment without her full grant.

- Continue eligibility for the entire family, including the twins
- Create a **745 Alert** for 9 months

Note: The DHR Secretary has approved extended absences at the Baraka School. Acceptance at the Baraka School is sufficient proof. No additional approvals are needed.

Example 4. The Clarks are divorced and have joint custody of their daughter Sally. Sally lives with her mother for two weeks and then with her father for two weeks. Ms. Clark applied on June 3 and Mr. Clark applied on June 4.

- Either parent can apply for TCA since they are equally responsible, but only one can receive TCA for Sally.
- Ms. Clark is eligible since she applied first, or she can agree to withdraw her application and let Mr. Clark claim Sally
- Child support is assigned from the non-TCA parent.

Example 5. Mr. and Mrs. Smith adopted Samantha when she was a toddler. Samantha is now 14 and has moved into the home of her birth mother and her mother’s husband, Mr. and Mrs. Jones, and her half-sibling, Susie. Mrs. Jones has agreed to keep Samantha and has applied for assistance for her. The family receives assistance for themselves.

- Mrs. Jones is Samantha’s biological mother and Samantha may be added to the assistance unit if Mr. and Mrs. Smith agree
- Support is assigned from the Smiths

CHAPTER: V TECHNICAL ELIGIBILITY	SECTION: 5 LIVING WITH RELATIVE	COMAR: 07.03.03.07
--------------------------------------------	-------------------------------------------	------------------------------

Example 6. Ms. Johnson receives assistance for herself and her sons, Bobby and Bertram. On August 28, Bobby moved to Pennsylvania to live with his father who would have full custody, control and responsibility for his care. He was expected to live with his father for the school semester and return home 114 days later on December 20. On December 1, Ms Johnson learns that Bobby will continue to live with his father at least until the following June. She reports Bobby's absence on December 3.

- Bobby is ineligible to be in his mother's grant because parental responsibility shifted to the father on August 28
- Begin the case overpayment for October, since the grant could not have been changed for September.
- Do not impose the 3-month sanction on Ms. Johnson for failure to report Bobby's absence that exceeded 180 days.
 - She did report within 5 days when she knew the absence was going to be more than 180 days
 - The original absence was expected to be about 114 days.
 - The sanction is only applied when the caretaker expects the absence to be more than 180 days and does not report within 5 days of knowing that

Example 7. The Boyds have joint custody of their son Brian. Brian stays with his father during the week and Saturday and Sunday with his mother. Mrs. Boyd applies for TCA because she is unemployed and needs to maintain a home for her son. Mr. Boyd is employed and has not applied.

- Mrs. Boyd is ineligible for TCA because Brian does not live with her the majority of the time.

ADDITIONAL INFORMATION

- Application - Child support assignment
- Interim Changes - Interim changes
- Assistance unit – Basic Requirements
- Sanctions – Non-Report Absent Child
- Application - Verification